

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * **CRIMINAL NO. 08-cr-0050**

VERSUS *** JUDGE HAIK**

ROBERT PAUL COSENZA * **MAGISTRATE JUDGE HILL**

RULING ON COMPETENCY

The undersigned issued an Order requiring the defendant to undergo a psychiatric evaluation by Warren C. Lowe, Ph.D., M.P., pursuant to Title 18 U.S.C. Sections 4241, *et seq.* for the purpose of having the defendant's competency to proceed to trial determined, and to the extent possible, to determine whether the defendant was insane at the time the offenses allegedly occurred, and requiring that a report be issued and returned to this Court pursuant to Title 18 U.S.C. Section 4247(b) and (c). [rec. doc. 22]. Dr. Lowe's Evaluation, dated April 29, 2008, has been received by the court and filed under seal. Copies of the report were furnished to counsel.

A competency hearing was scheduled for May 1, 2008 before the undersigned Magistrate Judge. However, after reviewing Dr. Lowe's Evaluation, both defense counsel Wayne J. Blanchard and AUSA Joseph T. Mickel advised that, other than the Evaluation performed by Dr. Lowe, they had no additional evidence to submit. Counsel further advised that they had no objection to Dr. Lowe's Evaluation. Accordingly, no further hearing regarding the defendant's competency is necessary, and the matter was submitted on the April 29, 2008 Evaluation. This Ruling follows.

The undersigned adopts the complete facts, findings, assessment and conclusions articulated in Dr. Lowe's Evaluation dated April 29, 2008. Based on the facts, findings, assessment and conclusions articulated in the Evaluation, and on the opinion by Dr. Lowe that the defendant "is able to state with some clarity and degree of understanding his interpretation of the charges against him ... understands the roles of various courtroom personnel ... the judge ... prosecuting attorney ... [and] his attorney", as well as "distinguish between the pleas of guilty, not guilty, and not guilty by reason of insanity", that the defendant "has an understanding of the rights available to him", that "he is able to sustain concentration and rational thinking", that "[t]here is no evidence of a thought disorder or delusional belief system which would interfere with his capacity to evaluate the facts of the case in an effective manner" and that "[h]is general demeanor was one of cooperation, indicating a capacity to cooperate with his attorney in his defense", and thus, "is judged to be competent to stand trial and is able ... to assist his attorney in his defense", the undersigned concludes that the defendant, Robert Paul Cosenza, is sufficiently able to understand the nature and consequences of these criminal proceedings and sufficiently able to assist counsel in his defense to support a finding that he is competent to proceed to trial.

Accordingly, the undersigned finds the defendant, Robert Paul Cosenza, competent to proceed to trial.

The clerk is ordered to provide a copy of this ruling to Judge Haik.

Signed at Lafayette, Louisiana on May 1, 2008.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE